IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1030 (SS) of 2007

Smt. Kalpana Dubey,
W/o Sri Sant Kumar Dubey,
R/o S.N.S. Government Inter College,
Naikana, Tall Ramgarh,
District- Nainital.

……. Petitioner.

Versus

1. The Principal, District Institute of Education and Training (DIET), Bhimtal, Nainital.
2. The Director, School Education, Uttarakhand, Dehardun.
3. The Tehsildar, Court Compound, Tallital, Nainital.
4. The Sub Divisional Magistrate Nainital.

…….Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri C.D. Bahuguna, learned counsel for the petitioner and Sri N.P. Shah, learned standing counsel for the respondents.

By means of this writ petition, petitioner has prayed for the following relief:

a. Issue a writ, order or direction in the nature of Mandamus commanding the respondents no. 1 and 2 not to reject the Form of Special BTC Training Course of the petitioner on the ground of not producing Permanent Resident Certificate till 10.08.2007 or till further orders of this Hon'ble Court.

b. *Issue a writ, order or direction in the nature of Mandamus commanding the respondents no. 3 and 4 to supply Permanent Resident Certificate to the petitioner at the earliest and within the time prescribed by this Hon'ble Court.*

c. *Issue a writ, order or direction in the nature of Mandamus commanding the respondents no. 1 and 2 to admit the petitioner for Special BTC Training Course provisionally pursuant to her provisional admission for the said course as declared on 22.07.2007*

d. *Issue a writ, order or direction in the nature of Mandamus commanding the respondents no. 1 and 2 to admit the petitioner for Special BTC Training Course on production of Permanent Resident Certificate within a period as prescribed by this Hon'ble Court.*

e. *Issue a writ, order or direction in the nature of Mandamus commanding the respondents no. 1 and 2 to keep one seat of Special BTC Training Course reserved for the petitioner and not to fill it by any other candidate till she produces Permanent Resident Certificate within the period as prescribed by this Hon'ble Court.*

f. *Issue any other writ order or direction, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.*

g. *Award the cost of the petition to the petitioner.*

During the course of argument, learned counsel for the petitioner has submitted that he does not want to press all

the reliefs except relief (a) sought in prayer clause and the same may be treated as deleted. So far relief (b) is concerned, liberty may give to the petitioner to file fresh writ petition for redressal of her grievance.

Permission granted.

The stand of the petitioner is that he has applied for Special BTC Training Course and has been selected by District Institute of Education and Training (DIET), Bhimtal. However, her selection was made provisional because she has not submitted Permanent Resident Certificate along with application as required under advertisement. The advertisement was issued on 09.07.2006 and applicants were required to submit certificates along with the application. However, at the time of counseling, petitioner was directed to submit Permanent Resident Certificate before 10.08.2007, failing which her selection for Special BTC Training Course would be cancelled.

The submission of the petitioner is that petitioner has applied for permanent resident certificate before the competent authority and in fact all the formalities have already been completed but competent authority has yet not issued permanent resident certificate, and, as and when Permanent Resident Certificate will be issued by the competent authority she will submit that same before District Institute of Education and Training (DIET).

Petitioner has further submitted that some other candidates, who are required to submit some documents, have been given time upto 14.08.2007 and as such, petitioner

may be provided time till 14.08.2007 or till the finalization of the selection process.

In the interest of justice, I deem it fit and proper to direct the respondents to entertain the Permanent Resident Certificate of the petitioner for Special BTC Training Course if submitted by her prior to finalization of selection process.

With this direction, writ petition as well as interim relief application is finally disposed of. No order as to costs.

Copy of this order shall be given today to the learned counsel for petitioner on payment of usual charge.

(M.M. Ghildiyal, J)

August 08, 2007
SKS